

IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF VIRGINIA

Alexandria Division

UNITED STATES OF AMERICA)	
)	
v.)	Criminal No. 1:19cr59
)	
DANIEL EVERETTE HALE)	

MOTION FOR ENTRY OF A SUPPLEMENTAL PROTECTIVE ORDER

The United States of America moves for entry of the attached Protective Order, pursuant to Federal Rule of Criminal Procedure 16(d)(1) and Federal Rule of Evidence 502(d). In support thereof, the government states as follows:

1. During the course of the investigation, the United States gathered or generated documents that contain classified information relating to national security. The United States produced these documents in accordance with the Federal Rules of Criminal Procedure and relevant case law, and intends to continue to do so.
2. On May 30, 2019, the government produced to the defense a classified document ("the Classified Document"). On or about December 9, 2019, the government notified the defense that this production was erroneous, and that the defense was not entitled in discovery to the Classified Document.
3. On December 12, 2019, a Classified Information Security Officer ("CISO") took possession of the Classified Document.
4. The government seeks authority to retract from the defense the Classified Document provided to the defense on May 30, 2019, but later retrieved by the CISO.

5. Federal Rule of Criminal Procedure 16(d)(1) provides that the Court may, for good cause, deny, restrict or defer discovery or inspection, or grant other appropriate relief. The proposed Protective Order regulates discovery in this case by restricting the use and dissemination of documents containing classified information relating to national security. In essence, the proposed Protective Order prohibits the dissemination of these documents and the information contained therein, other than as necessary for the defendant's investigation of the allegations and the preparation of his defenses.

WHEREFORE, the United States requests that the Court enter the proposed Supplemental Protective Order.

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_____/s_____
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Respectfully submitted,

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CERTIFICATE OF SERVICE

This is to certify that on February 26, 2020, I electronically filed the foregoing
MOTION FOR ENTRY OF A SUPPLEMENTAL PROTECTIVE ORDER and
SUPPLEMENTAL PROTECTIVE ORDER with the Clerk of Court using the CM/ECF system,
which will send a notification of such filing (NEF) to counsel of record.

_____/s/_____
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